

IP 06-0919-C h/k Indiana Bell v. Hardy
Judge David F. Hamilton

Signed on 06/04/08

NOT INTENDED FOR PUBLICATION IN PRINT

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

INDIANA BELL TELEPHONE COMPANY,)	
)	
Plaintiff,)	
vs.)	NO. 1:06-cv-00919-DFH-TAB
)	
DAVID LOTT HARDY,)	
DAVID W HADLEY,)	
LARRY S. LANDIS,)	
GREGORY D. SERVER,)	
DAVID E. ZIEGNER,)	
)	
Defendants.)	

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

INDIANA BELL TELEPHONE COMPANY,)
INC.,)

Plaintiff,)

v.)

DAVID LOTT HARDY, DAVID W.)
HADLEY, LARRY S. LANDIS,)
GREGORY D. SERVER, AND DAVID E.)
ZIEGNER, in their Official Capacities as)
Commissioners of the Indiana Utility)
Regulatory Commission and Not as)
Individuals,)

Defendants.)

CASE NO. 1:06-cv-0919-DFH-TAB

ENTRY ON THE MERITS

Indiana Bell Telephone Company, Inc. challenges an order by the Indiana Utility Regulatory Commission implementing regulations prescribed by the Federal Communications Commission. The parties have presented the case for final decision on a stipulated record. In *Illinois Bell Telephone Co. v. Box*, — F.3d —, 2008 WL 2151573 (7th Cir. May 23, 2008), the Seventh Circuit recently addressed precisely the same issues that Indiana Bell has raised here. Following *Illinois Bell*, this court: (a) affirms the decision of the Indiana Utility Regulatory Commission requiring incumbent local exchange carriers like Indiana Bell to allow competitive local exchange carriers to use entrance facilities for interconnection purposes at

“TELRIC” (total element long-run incremental cost) rates; and (b) finds that the Indiana Utility Regulatory Commission erred by requiring incumbent local exchange carriers to provide fiber-to-the-home, fiber-to-the-curb, and hybrid loops on an unbundled basis for non-mass market customers. Accordingly, the court shall issue a permanent injunction prohibiting defendants from enforcing the portion of the Indiana Utility Regulatory Commission’s order requiring incumbent local exchange carriers to provide fiber-to-the-home, fiber-to-the-curb, and hybrid loops on an unbundled basis for non-mass market customers.

So ordered.

Date: June 4, 2008

DAVID F. HAMILTON, CHIEF JUDGE
United States District Court
Southern District of Indiana

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